

January 21, 2012

Honorable Judge Sim Lake
515 Rusk Avenue
Houston, Texas 77002

United States District Court
Southern District of Texas
FILED
JAN 31 2012
Clack

RE: USA v. Elisa Idalia Castillo
Case No. 4:08cr00146-001
Brief for Appointment of Counsel

Dear Judge Lake:

I am serving a prison sentence of life imprisonment for a drug distribution offense. The sentence was affirmed on appeal about six months ago.

As the Court knows, the Fifth Circuit Court of Appeals does not allow defendants to raise ineffective assistance of counsel claims on direct appeals. On the other hand, district courts rarely appoint counsel to represent defendants in §2255 proceedings. However, I believe I have the rare case that is the exception to the general rule within this district.

I do not speak, read or write English, nor am I computer literate. During my case, the Court provided a translator.

Currently, I am confined at Federal Medical Center, Carswell, in Fort Worth, Texas. There is a law library, but all legal materials are on a computer and in English.

Bounds v. Smith, 430 U.S. 817, 97 S.Ct. 1491 (1977) and **Lewis v. Casey**, 518 U.S. 343, 116 S.Ct. 2174 (1996) require that a prisoner be provided with tools to challenge their sentences and meaningful access to the courts. Prison facilities have the option to provide legal assistants and/or law libraries. Most facilities provide a law library and in most cases the legal materials are in English.

FMC Carswell does not intend to deny access to courts or my ability to file a §2255 motion, nonetheless, this is the result.

I have several valid constitutional claims that should be presented in a §2255 motion. At this time, my constitutional right of access to legal materials and access to courts is barred due to my lack of proficiency to read and write in English.

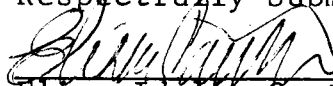
I do not have money to pay a "jailhouse lawyer" to assist me. Most of them are only scamming other prisoners and have

no formal legal training. This letter to the Court is being authored by someone with training, but no time to assist in the researching of my claims. In addition, because I am serving a life sentence, she does not want to take on such a responsibility.

I am aware that appointment of counsel is rare for collateral proceedings. Nor do I argue that I have some legal right to counsel. However, the Court does have the power to appoint counsel for a §2255 proceeding. See, **Maldonado v. U.S.**, 679 F.Supp.2d 991 (USDC, Iowa 2010)(counsel appointed to indigent defendant for §2255 proceeding).

For the reasons presented above, I respectfully request that the Court grant appointment of counsel to assist in the filing of a §2255 motion.

Respectfully Submitted,



Elisa Idalia Castillo
Defendant---January 21, 2012

Reg. No. 67003-179
FMC Carswell
P.O. Box 27137
Fort Worth, Texas 76127

cc: U.S. Attorney's Office
P.O. Box 61129
Houston, Texas 77208

file

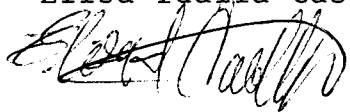
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Dear Clerk:

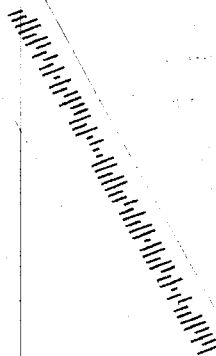
Please file the enclosed letter brief under 4:08cr00146-001
and bring this letter to the attention of the Court.

Thank You,

Elisa Idalia Castillo

A handwritten signature in black ink, appearing to read "Elisa Idalia Castillo", written over a horizontal line.

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Federal Medical Center Caswell
PO BOX 27137
Ft Worth TX 76161



67003-179
District Clerk
PO BOX 61010
Houston, TX 77208
United States

United States District Court
Southern District of Texas

